

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 W, Closed Area No. 54-D, Mill Pond, Spruce Cove, East and West Branches of Little Kennebec Bay, Machiasport and Machias, promulgated on December 10, 1991, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 W, Closed Area No. 54-D, East and West Branches of Little Kennebec Bay, Machiasport and Machias.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of:
 - A. The West Branch of Little Kennebec Bay upstream from a line beginning at a red painted post on the northern-most point of Foss Point, Kennebec Village, Machias and extending west northwesterly across the narrows at the mouth of the most west creek and terminating at a red painted post on the opposite shore.
 - B. The area north of a line that starts at the most southwesterly tip of the un-named point at the northern mouth of Spruce Cove, Machiasport and extends northwesterly to a red painted post, approximately 900 yards north of the tip of Holiday Point, in the most northwesterly corner of the East Branch of Little Kennebec Bay, Machias.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: November 13, 1996

AGENCY CONTACT PERSON: Paul Anderson
Department of Marine Resources
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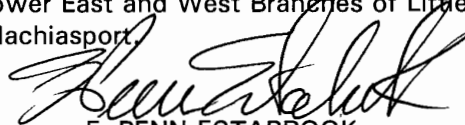
BANGOR DAILY NEWS
November 16, 1996

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 W, Closed Area No. 54-D, Mill Pond, Spruce Cove, East and West Branches of Little Kennebec Bay, Machiasport and Machias, promulgated on December 10, 1991, and enacts a new regulation. This new rule prevents the taking of clams, quahogs, and oysters from the flats and waters of the West Branch of Little Kennebec Bay upstream from a line beginning at a red painted post on Foss Point, Kennebec Village, Machias, that extends west northwesterly across the narrows at the mouth of the most west creek to a red painted post on the opposite shore and the area north of a line that starts at the most southwesterly tip of an un-named point at the northern mouth of Spruce Cove, Machiasport and extends northwesterly to a red painted post, approximately 900 yards north of the tip of Holiday Point, in the most northwesterly corner of the East Branch of Little Kennebec Bay, Machias.

Department personnel have sampled and surveyed these waters and found this closed area is subject to intermittent microbiological pollution. As a consequence the harvest of clams, mussels, oysters and quahogs must be prohibited to protect the public health.

The size of this closed area is now reduced in size due to the determination that no known public health risk impacts the shellfish in the lower East and West Branches of Little Kennebec Bay, Spruce Cove and the Mill Pond, Machias and Machiasport.



E. PENN ESTABROOK
Deputy Commissioner



Department of Marine Resources

Legal Notice of Shellfish Closure Area 54D

Little Kennebec Bay, Machias

